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CODEPINK WOMEN FOR PEACE  
CODEPINK ACTION FUND

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Attorney for Defendants  
PALESTINIAN YOUTH MOVEMENT,  
LENA SCHIRF, REMO IBRAHIM

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

RONEN HELMANN, on behalf of  
all others similarly situated,

Plaintiff,

v.

CODEPINK WOMEN FOR  
PEACE, a California entity,  
CODEPINK ACTION FUND, a  
California entity; COURTNEY  
LENNA SCHIRF; REMO  
IBRAHIM aka REMO ABOUD;  
PALESTINIAN YOUTH  
MOVEMENT; and DOES 1-100,

Defendants.

CASE NO: 2:24-cv-05704-SVW-PVC

Honorable Stephen V. Wilson  
Courtroom 10A

DEFENDANTS' UNOPPOSED JOINT  
MOTION TO RECONSIDER ORDER  
SETTING BRIEFING SCHEDULE ON  
MOTION TO DISMISS; SUPPORTING  
DECLARATIONS

[FILED WITH PROPOSED ORDER]

Date: To be set by the Court  
Time: To be set by the Court  
Place: Courtroom 10A

Third Amended Complaint filed: 6/27/25  
Trial Date: Not Set

1           **PLEASE TAKE NOTICE THAT** on July \_\_\_\_ 2025 at \_\_\_\_ p.m. or as  
2 soon thereafter as counsel may be heard in the courtroom of the Honorable  
3 Stephen V. Wilson, located in Courtroom 110\* of the United States Courthouse,  
4 350 West 1st Street, 10th Floor, Defendants CODEPINK Women for Peace and  
5 CODEPINK ACTION FUND, and Defendants Palestinian Youth Movement,  
6 Lena Schirf, and Remo Ibrahim (Defendants) will and do bring a Motion for  
7 Reconsideration of this Court's order on July 11, 2025, setting a briefing schedule  
8 for Plaintiffs and Defendants.

9           The motion is made upon the following grounds:

- 10           1.     Plaintiffs and Defendants filed a Joint Stipulation Regarding  
11 Briefing Schedule ("Stipulation") on July 10, 2025. (ECF 107)
- 12           2.     The Stipulation proposed the following schedule:
  - 13               a.     Defendants' responsive pleadings will be due on or before  
14 August 4, 2025;
  - 15               b.     Plaintiff's response or opposition will be due on or before  
16 August 21, 2025;
  - 17               c.     Defendants' replies will be due on or before September 8,  
18 2025;
  - 19               d.     This Court will hear the motions on Monday, September 15,  
20 2025.
- 21           3.     On July 11, 2025, the Court issued its Order setting the following  
22 schedule (ECF 108):
  - 23               a.     July 17 for Defendants' responsive pleadings;
  - 24               b.     July 23 for Plaintiffs' Opposition; and
  - 25               c.     July 28 hearing date.
- 26           4.     The dates proposed by Plaintiffs and Defendants in their Stipulation  
27 cause no prejudice to either party.

1           5.     The Stipulation was the joint product of Plaintiffs' counsel and  
2 Defense counsel, with proposed dates considering the availability of defense  
3 counsel:

4           a.     Mr. Harvey, counsel for PYM Defendants, is traveling and  
5 unavailable between July 23 and July 30, including July 28, 2025, the date the  
6 Court set for a hearing in this matter.

7           b.     Mr. Poirot, counsel for Code Pink Defendants, is traveling and  
8 unavailable between July 14-23, 2025.

9           c.     Mr. Kleiman, counsel for Code Pink Defendants, is personally  
10 involved in providing support for one of his closest friends of forty-three years,  
11 who is in hospice care at the City of Hope Medical Center.

12          6.     Mr. Harvey is a solo practitioner working without co-counsel to  
13 represent PYM Defendants. His absence on the hearing date would prejudice  
14 PYM Defendants.

15          7.     Counsel for Defendants emailed Plaintiffs' Counsel on July 13, 2025,  
16 to inform him of the plan to file the motion to reconsider, asking him if he would  
17 prefer to file jointly. Defendants offered to meet and confer on Monday, July 15.  
18 Plaintiffs' counsel graciously stated that Plaintiffs take no position on the motion.

19  
20 Dated: July 14, 2025

By: /s/ Thomas B. Harvey

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1 Dated: July 14, 2025.

/s/ Mark Kleiman

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3 Counsel for CodePink Defendants  
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10 Dated: July 14, 2025.

/s/ Collin Poirot

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION AND SUMMARY OF ARGUMENT**

Defendants CODEPINK Women for Peace and CODEPINK ACTION FUND, and Defendants PALESTINIAN YOUTH MOVEMENT, LENA SCHIRF, and REMO IBRAHIM(Defendants) file this unopposed motion jointly requesting the Court reconsider its ruling regarding a briefing and hearing schedule for Defendants’ Motion to Dismiss. Because the Joint Stipulation did not articulate the reasons this schedule was needed, the Court issued an order setting a briefing schedule without the benefit of having Counsels’ reasons for the jointly proposed schedule and their dates of availability. This order came following the filing of a Joint Stipulation Regarding Briefing Schedule (“Stipulation”) (ECF 107) filed on July 10, 2025. (ECF 107) Plaintiffs and Defendants contacted Daniel Tomako, the Courtroom, to verify the accuracy of the Court’s Order, as it conflicted with the dates proposed in the Stipulation. Mr. Tomako confirmed the accuracy of the Court’s Order.

Defendants argue that local rule 7-18 and Fed. R. Civ. P. 59 (e) and 60 (b) provide grounds for reconsideration, noting counsel for Defendants’ unavailability and the lack of prejudice to either party if the dates proposed in the Stipulation were followed.

**II. PERTINENT PROCEDURAL HISTORY**

Plaintiffs in Helmann filed their initial complaint on July 7, 2024 (ECF 1) their First Amended Complaint on August 16, 2024 (ECF 15), and their Second Amended Complaint on December 19, 2024 (ECF 70). Defendants PYM and CodePink filed Motions to Dismiss on January 27, 2025 (ECF 86 and ECF 88). The Court granted PYM’s Motion to Dismiss on all claims on June 13, 2025, granted CodePink’s Motion to dismiss in part, and gave leave to Plaintiffs to amend within 14 days. (ECF 105).

1 The Helmann Plaintiffs filed their Third Amended Complaint on June 27,  
2 2025. (ECF 106) Defendants CODEPINK Women for Peace and CODEPINK  
3 Action Fund (collectively “CODEPINK”), Palestinian Youth Movement,  
4 Courtney Lenna Schirf, and Remo Ibrahim, intend to file Motions to Dismiss the  
5 TAC for failure to plead a claim. The Parties entered into a Joint Stipulation  
6 Regarding Briefing Schedule on July 10, 2025 (ECF 107). The Court entered an  
7 Order on July 11, 2025, modifying the proposed briefing schedule.

8 **III. STANDARD OF REVIEW ON MOTION FOR RECONSIDERATION**

9 Reconsideration is appropriate under the Court’s inherent authority, Federal  
10 Rule of Civil Procedure 60(b), and Local Rule 7-18, where a party demonstrates a  
11 material change in law or fact, the emergence of new evidence, or the need to  
12 prevent clear error or manifest injustice. See *Washington v. Ryan*, 833 F.3d 1087,  
13 1099–1100 (9th Cir. 2016) (granting reconsideration where deadline was missed  
14 due to counsel’s neglect and no prejudice was shown).

15 The Ninth Circuit has held that courts should weigh: the danger of prejudice  
16 to the opposing party, the reason for the delay, whether the movant acted in good  
17 faith, and the interest in finality. See also *Bateman v. U.S. Postal Serv.*, 231 F.3d  
18 1220, 1223–24 (9th Cir. 2000).

19 In the context of hearing scheduling or continuances, the Ninth Circuit  
20 recognizes that denial of requested relief is improper where there is no actual  
21 prejudice to the opposing party. See *United States v. Garrett*, 179 F.3d 1143, 1145  
22 (9th Cir. 1999) (error to deny a continuance where no prejudice was shown and  
23 unavailability of counsel was not due to bad faith).

24 In addition, “‘Courts in this district have interpreted L.R. 7-18 to be  
25 coextensive with [Federal] Rules 59(e) and 60(b).’” *Moqaddem v. Kalra*, No.  
26 EDCV 23-0173 JGB (KKX), 2023 WL 6813790, at \*3 (C.D. Cal. Sept. 12, 2023),  
27 quoting *Tawfilis v. Allergan, Inc.*, 2015 WL 9982762, at \*1 (C.D. Cal. Dec. 14,  
28

2015). Federal Rule of Civil Procedure 60(b) governs relief from a judgment or order, providing six grounds for relief, including (1) mistake, inadvertence, surprise, or excusable neglect; or (6) any other reason that justifies relief. Fed.R. Civ. Proc. 60(b). Although the local rules are to be read coextensively with the federal rules, the local rules do not restrict the court's power to reconsider interlocutory orders under the federal rules at “any point prior to final judgment.” *Est. of Risher v. City of Los Angeles*, No. EDCV1700995MWFKKX, 2023 WL 5506005, at \*6 (C.D. Cal. July 10, 2023), citing *Dietz v. Bouldin*, 579 U.S. 40, 47, 136 S.Ct. 1885, 195 L.Ed.2d 161 (2016) (“[A] district court ordinarily has the power to modify or rescind its orders at any point prior to final judgment in a civil case.”).

#### IV. ARGUMENT

##### A. Reconsideration Is Warranted to Avoid Unnecessary Prejudice to Defendant PYM

The Court’s order sets a hearing on July 28, 2025 during which lead counsel for PYM Defendant is unavailable due to a previously scheduled out-of-state legal investigation. The inability of lead counsel to appear would materially impair Defendant’s ability to present argument on July 28, 2025 especially where the Court’s standing order requires the appearance of lead counsel.

Allowing the hearing to proceed without counsel’s participation would unfairly disadvantage PYM Defendants and could create grounds for later challenge or dispute, particularly where counsel is uniquely familiar with the factual record and legal arguments relevant to the matter. See *Washington*, 833 F.3d at 1099–1101.

##### B. Reconsideration Is Warranted to Avoid Unnecessary Prejudice to the Code Pink Defendants

In addition, Collin Poirot, co-counsel for CodePink is unavailable from July 14 to July 24, due to a previously scheduled personal obligation. Counsel for

1 CodePink, Mark Kleiman, is assisting a dear friend through her final days in  
2 hospice care at the City of Hope Medical Center, and cannot properly attend to  
3 this motion on a compressed briefing schedule. Mr. Poirot and Mr. Kleiman's  
4 absence between now and July 17th will greatly prejudice the ability of the  
5 CodePink defendants to properly and effectively brief what may be a case  
6 dispositive motion.

7 **C. No Party Will Be Prejudiced by the Requested Relief**

8 Granting reconsideration to modify the briefing and hearing schedule will  
9 not prejudice Plaintiffs or delay any other aspect of the proceedings. No trial date  
10 has been set (or the hearing at issue is preliminary in nature), and Plaintiffs have  
11 not identified any reliance interest or burden arising from the current schedule.  
12 The Ninth Circuit routinely finds that absence of prejudice strongly supports  
13 reconsideration or extension of time. See Bateman, 231 F.3d at 1225 ("[T]he  
14 prejudice to the Postal Service was minimal. It had to reschedule a hearing and  
15 delay a ruling on the motion for summary judgment."); *Lemoge v. United States*,  
16 587 F.3d 1188, 1196 (9th Cir. 2009) (relief warranted where no prejudice shown  
17 and motion was timely).

18 **D. Defendants' Counsel Have Acted Diligently and in Good Faith**

19 This request is made promptly upon learning of the conflict, and is  
20 supported by a good faith attempt at compliance with Local Rule 7-3's meet-and-  
21 confer requirement. On July 13, 2025, Plaintiffs' counsel informed Defense  
22 Counsel that Plaintiffs take no position on the present motion.

23 Defendants respectfully submit that they have acted in good faith to resolve  
24 the issue cooperatively and without undue burden on the Court or the opposing  
25 party. Washington and Bateman both emphasize that where the movant acts  
26 diligently and without bad faith, reconsideration is favored, especially to allow  
27 full participation by counsel.

28 //



1 **V. CONCLUSION**

2 For the foregoing reasons, Defendants respectfully requests that the Court  
3 reconsider its July 11 scheduling order and continue the hearing and associated  
4 briefing deadlines in accordance with the Stipulation, or such other date as is  
5 convenient to the Court and the parties.

6  
7  
8 Dated: July 14, 2025

By: /s/ Thomas B. Harvey  
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15 Dated: July 14, 2025.

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23 Dated: July 14, 2025.

/s/ Collin Poirot  
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**DECLARATION OF MARK KLEIMAN**

I, Mark Kleiman, declare as follows pursuant to 28 U.S.C. § 1746 under penalty of perjury:

1. I represent CodePink Women for Peace and CodePink Action Fund (collectively referred to as “Code Pink”).

2. I am making this declaration in support of Defendants’ Joint Motion to Reconsider, which asks the court to reconsider its scheduling order.

3. One of my dearest friends, Mary Mitchell, is dying of cancer and is in a hospice care bungalow in the City of Hope Medical Center in Duarte, California. Mary’s husband, who became my best friend when we met in law school in 1982 died eight years ago. Her son, Christopher, who I have known since he was nine years old, is her only surviving relative.

4. I spend every day that I can visiting Mary and running errands to simplify life for her son. Because my home is in Mar Vista, the round trip, the supportive visits, and errands are consuming 5 ½ - 6 hours each day I visit.

5. Analyzing the Third Amended Complaint, drafting, editing, and filing a responsive pleading by July 17 will require that I stop seeing Mary and stop supporting Christopher. Because Mary has been at the City of Hope since the end of May, this will likely mean that I do not get to see my friend or help her son before she dies.

Dated: July 14, 2025.

/s/ Mark Kleiman

Mark Kleiman, Esq.

**DECLARATION OF THOMAS B. HARVEY**

I, Thomas B. Harvey, declare as follows pursuant to 28 U.S.C. § 1746  
under penalty of perjury:

1. I represent Palestinian Youth Movement (“PYM”), Courtney Lena  
Schirf, and Remo Ibrahim (collectively referred to as “PYM Defendants”).

2. I am an attorney in solo practice and am the only attorney  
representing PYM Defendants.

3. I am making this declaration in support of Defendants’ Joint Motion  
to Reconsider, which asks the court to reconsider its scheduling order.

4. I have a preplanned trip to Minneapolis starting July 28, 2025 to  
investigate a matter there.

5. I have coordinated with another attorney who is flying in from New  
York. We are meeting with prospective clients and local counsel on July 28, 2025.

6. The Court’s scheduling order sets this matter for a hearing on July  
28, 2025.

7. All proceedings in the Court are now being held in person.

Dated: July 14, 2025.

/s/ Thomas B. Harvey

Thomas B. Harvey, Esq.

**DECLARATION OF COLLIN POIROT**

I, Collin Poirot, declare as follows pursuant to 28 U.S.C. § 1746 under penalty of perjury:

1. I represent CodePink Women for Peace and CodePink Action Fund (collectively referred to as “Code Pink”).

2. I am making this declaration in support of Defendants’ Joint Motion to Reconsider, which asks the court to reconsider its scheduling order.

3. I will be travelling abroad with my family from the evening of July 14 until the evening of July 24. The tickets were purchased more than a month ago, and our accommodation and rentals are non-refundable. My internet access will be limited and sporadic while I am travelling.

4. Analyzing the Third Amended Complaint, drafting, editing, and filing a responsive pleading will require substantial internet research, communication with co-counsel, opposing counsel, and the Defendants, and considerable time and attention. I will be unable to work on this matter while I am abroad, but will be able to devote all required time and attention to this matter as soon as I return.

Dated: July 14, 2025.

/s/ Collin Poirot

Collin Poirot, Esq.

**CERTIFICATE OF SERVICE**

All Case Participants are registered for the USDC CM/ECF System

***Ronen Helmann v. Codepink Women for Peace et. al.***  
***United States District Court***  
***Central District of California***  
***Case No.: 2:24-cv-05704-SVW-PVC***

**DEFENDANTS' UNOPPOSED JOINT MOTION TO RECONSIDER  
ORDER SETTING BRIEFING SCHEDULE ON MOTION TO DISMISS;  
SUPPORTING DECLARATIONS**

I hereby certify on July 14, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Central District of California by using the CM/ECF System.

Participants in the case who are registered CM/ECF Users will be served by the CM/ECF System.

Dated: July 14, 2025

By: /s/ Mark Kleiman  
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